



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 04 2010

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AE-17J

Adam N. Swercheck
Corporate Environmental Manager
Buzzi Unicem USA
100 Brodhead Road,
Bethlehem, PA 18017

Re: Administrative Compliance Order EPA-05-10-113(a)-04

Dear Mr. Swercheck:

Enclosed is an Administrative Compliance Order (Order) issued to Lone Star Industries, Inc. (dba Buzzi Unicem USA) for violation of the Clean Air Act. This Order is based on information that you provided to the U.S. Environmental Protection Agency and the Illinois Environmental Protection Agency (Illinois EPA) regarding the company's suspension and future restart of kiln operations. The violation is failure to timely conduct a Dioxin/Furan performance test. This Order does not levy any penalties.

The EPA is committed to ensuring compliance with the requirements of the Clean Air Act, and my staff will assist you in any way possible. Your cooperation and prompt attention will be appreciated. If you have any questions, please contact Ms. Shannon Downey, of my staff, at 312-353-2151.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton", with the word "for" written to the right of the signature.

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Illinois EPA, Springfield

standard bcc's: official file copy w/ attachment(s)
Originating Organization Reading File w/attachments

other bcc's: Janet Carlson, C-14J

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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of)	ADMINISTRATIVE ORDER
)	
LONE STAR INDUSTRIES, Inc.)	
(dba Buzzi Unicem USA))	EPA-05-10-113(a)-04
Portland Avenue)	
Oglesby, IL)	

STATEMENT OF AUTHORITY

The U.S. Environmental Protection Agency (EPA) is issuing this Administrative Compliance Order (Order) pursuant to the authority of Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) (the Act). Section 113(a)(3) of the Act authorizes the Administrator of the EPA to issue an order requiring compliance to any person whom the Administrator finds to be in violation of the Act. The authority to issue this Order has been delegated to the Director of the Air and Radiation Division, EPA, Region 5.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Lone Star Industries, Inc. dba Buzzi Unicem USA (Buzzi) is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of Illinois, and as such, is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
2. Buzzi owns and operates a Portland cement manufacturing facility located at Portland Avenue, Oglesby, IL (the facility).

3. At all times relevant to this Order, Buzzi's kiln was subject to the provisions of 40 C.F.R. Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.

4. Pursuant to 40 C.F.R. § 63.1349(d), Buzzi must conduct a performance test on the kiln system for Dioxin/Furan (D/F) no later than 30 months after the previous D/F performance test.

5. Through a letter to the Illinois EPA dated March 3, 2010, Buzzi notified Illinois EPA that manufacturing operations have been temporarily suspended at its Ogelsby cement plant since late 2008 and its kiln system shut down. In this letter, Buzzi stated that it was required to complete the D/F performance test no later than March 26, 2010 in order to meet the requirements of 40 C.F.R. § 63.1349(d). Buzzi requested a waiver of the March 26, 2010 D/F emissions testing deadline until 60 days from the date the kiln system returns to normal operating levels to complete D/F emissions testing. As of the date of this Order, Buzzi has not conducted the D/F performance test. Buzzi's failure to conduct the performance test within 30 months after the previous D/F test is a violation of 40 C.F.R. § 63.1349(d).

ORDER

6. After a thorough investigation of the relevant facts, taking into account the seriousness of noncompliance and efforts made by Buzzi to comply with applicable regulations, and based upon the foregoing Findings of Fact and Conclusions of Law and pursuant to the authority vested in me under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3), it is hereby ORDERED that:

- (a) Buzzi shall complete the D/F performance testing in accordance with 40 C.F.R. § 63.1349(d) by no later than 60 days from the date the kiln system returns to operations;
- (b) Buzzi shall notify EPA and Illinois EPA in writing of Buzzi's intention to return the kiln system to normal operations and to conduct the D/F performance test prior to Buzzi's kiln system returning to operations at least 60 calendar days before the performance test is scheduled to begin;
- (c) Buzzi shall submit written notification to EPA and Illinois EPA within seven days after completing the requirements of paragraph 6.a;
- (d) At all times, Buzzi shall operate the kiln in accordance with all permit terms and all federal, State, and local laws, regulations, and ordinances; and
- (e) Buzzi shall conduct the next scheduled performance test 30 months from the performance test conducted under this Order, in accordance with 40 C.F.R. § 63.1349(d).

7. Any information or correspondence submitted by Buzzi to EPA under this Order shall be addressed to the following:

Shannon Downey
Air Enforcement Section
EPA, Region 5
77 West Jackson Blvd
Chicago, Illinois 60604
Telephone: 312/353-2151
Fax: 312/385-5398
Email: downey.shannon@epa.gov

8. Any information or correspondence submitted by Buzzi to Illinois EPA under this Order shall be addressed to the following:

Mr. Ray Pilapil, Manager
Illinois Environmental Protection Agency
Bureau of Air, Compliance Section #40
1021 North Grand Avenue East
Springfield, IL 62702

GENERAL PROVISIONS

9. The provisions of this Order shall apply to and be binding upon Buzzi, its officers, directors, agents, and employees.

10. The provisions of this Order shall be transferable to any other party, upon sale or other disposition of the facility. Upon such action, the provisions of this Order shall then apply to and be binding upon any new owner/operator, its officers, directors, agents, employees, and any successor(s) in interest.

11. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, the Administrator or authorized representatives of EPA, upon presentation of his or her credentials, shall have the right of entry into, upon and through the Buzzi facility, for the purpose of carrying out any inspections, taking photographs, and reviewing any records, and, subject to applicable safety requirements, observing tests, and conducting any tests, which are deemed by EPA to be necessary to ensure compliance with this Order.

12. Nothing in this Order shall be construed to affect EPA's authority under Section 114 of the Act, 42 U.S.C. § 7414.

13. Nothing contained in this Order shall affect the responsibility of Buzzi to comply with all other applicable federal, State or local laws or regulations, including Section 303 of the Act, 42 U.S.C. § 7603.

FAILURE TO COMPLY

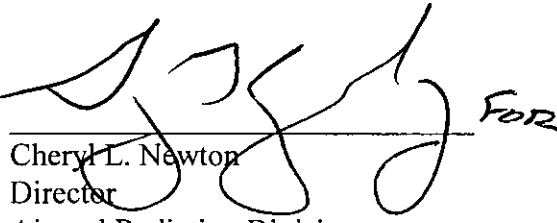
14. Failure to comply with the Order may result in a civil action for a permanent or temporary injunction, or a civil penalty of up to \$37,500 per day for violations occurring on and after January 12, 2009, pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b) and 40 C.F.R. Part 19. Failure to comply with the Order may result in an administrative order assessing a civil administrative penalty of up to \$37,500, per day for violations occurring on and after January 12, 2009, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

EFFECTIVE DATE

This Order shall become effective upon signature. Buzzi has the right, pursuant to Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), to confer with EPA regarding this matter. In the absence of a request for a conference within seven days of the effective date, the right to a conference will be deemed waived.

Date

6/4/10


Cheryl L. Newton
Director
Air and Radiation Division

FOR

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Adam. N. Swercheck
Corporate Environmental Manager
Buzzi Unicem USA
100 Brodhead Road,
Bethlehem, PA 18017

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

Ray Pilapil, Manager
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

on the 7th day of June 2010.



Betty Williams
Administrative Program Assistant
AECAS(IL/IN)

Certified Mail Receipt Number: 76091686 0000 7666-5780